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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,247	07/03/2003	Paul Mohan	ERIM-37904/03	7618

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EXAMINER
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BLUM, THEODORE M

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,247	<b>Applicant(s)</b> MOHAN, PAUL	
	<b>Examiner</b> Theodore M. Blum	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Fast (5,497,149).

Fast teaches a portable geographic position determination and communications module, sufficiently small to permit personal concealment (1 in Figure 1, column 9, lines 57 and 58) including: electronic circuitry (Figure 2) within an ankle bracelet enclosure (1), rechargeable battery (40, 42, 44, and 48), global positioning satellite receiver (22), communications transmitter (38) and receiver (38), controller (24), "thin" GPS receiver antenna (20), bracelet (1, column 7, lines 36-49), anti-tampering circuit (50, column 14, lines 5-12), and voice circuitry (54 and 56).

The controller (24) causes the global positioning satellite receiver (22) to "receive and decode a signal from one or more global positioning satellites containing information relating to the geographic position of the module" (22 and 24 in Figure 2, column 2, lines 54-55).

The controller (24) causes the "communications transmitter to communicate the position information to a remote location upon removal or disturbance of the bracelet or wristband". See 106 and 108 in Figure 3 and column 6, lines 10, 11, and 29-33, of Fast

which states "The beacon will also be automatically activated to emergency status if it detects tampering such as: Force applied to the locking mechanism, severing of the retaining straps, attempted removal from the user, or damage to the call button or its interconnecting wires" and "If a zone violation is confirmed, the beacon will activate itself to emergency status, transmitting position information to the monitoring terminal".

The Fast patent teaches an enclosure in the form of a bracelet or wristband (ankle bracelet 1, column 7, lines 36-49). Anti-tampering circuit (50) is contained in enclosure 1.

The Fast patent teaches a controller (24) contained in the enclosure (1) operative to cause a communications transmitter to communicate position information to a remote location upon removal or disturbance of the bracelet or wristband. See 106 and 108 in Figure 3 and column 6, lines 10, 11, and 29-33, of Fast which states "The beacon will also be automatically activated to emergency status if it detects tampering such as: Force applied to the locking mechanism, severing of the retaining straps, attempted removal from the user, or damage to the call button or its interconnecting wires" and "If a zone violation is confirmed, the beacon will activate itself to emergency status, transmitting position information to the monitoring terminal". When an emergency status is indicated, position information is transmitted from the ankle bracelet to the monitoring terminal. Note that the beacon will be automatically activated to emergency status if an attempt is made to remove the security beacon (1) from the user. The security beacon (1) can be part of an ankle bracelet worn by a user (person shown in Figure 1) or used to protect an object (column 8, lines 8-20).

The controller (24) will "cause the global position satellite receiver to receive and decode a signal from one or more global positioning satellites containing information relating to the geographic position of the module" (activation as recited above, and 104, 108, 112, and 118, in Figure 3 for example), "cause the communications transmitter to communicate the position information to a remote location upon removal or a disturbance of the bracelet or wristband" as indicated above, and "receive a request from a remote location and cause the communications transmitter to communicate the information in response to the request" (114, 116, and 118, in Figure 3, Figure 4, and column 14, line 66 to column 15, line 27).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore M. Blum whose telephone number is 703-305-1833. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4195 for regular communications and 703-306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Art Unit: 3662

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*Theodore M. Blum*

Theodore M. Blum

Primary Examiner

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